

COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk

Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

January 17, 2014

TO: Bernard P. Carvalho, Jr., Mayor
FROM: Jay Furfaro, Council Chair
RE: **JANUARY 16, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its January 16, 2014 Council Meeting:

CONSENT CALENDAR:

C 2014-01 Communication (12/17/2013) from Councilmember Hooser, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to extend the deadline for homeowners to apply for the Home Preservation Tax Limit for tax year 2014 from December 31, 2013 to August 31, 2014. *(Received for the Record.)*

C 2014-02 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the Housing & Community Development Revolving Fund. *(Housing Agency Grant Funded Bargaining Unit 13 Increases – \$20,891) (Received for the Record.)*

C 2014-03 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(Fire Department Bargaining Unit 11 Increases – \$617,529) (Received for the Record.)*

C 2014-04 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(Police Department Other Post Employment Benefits (OPEB) Replenishment Due to Bargaining Unit 12 Increases – \$987,606) (Received for the Record.)*

C 2014-05 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(Committed Reserve Fund Replenishment Due to Bargaining Unit 12 Increases – \$561,864) (Received for the Record.)*

C 2014-06 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(Committed Reserve Fund Replenishment Due to Bargaining Unit 13 Increases – \$197,072) (Received for the Record.)*

C 2014-07 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(General Fund Other Post Employment Benefits (OPEB) Replenishment Due to Bargaining Unit 13 Increases – \$ 295,422) (Received for the Record.)*

C 2014-08 Communication (12/23/2013) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(Department of Parks and Recreation, Parks Maintenance Septic System Pumping – \$200,000) (Received for the Record.)*

C 2014-09 Communication (12/13/2013) from the County Auditor, transmitting for Council information, the Comprehensive Annual Financial Report (CAFR), Single Audit Report, and Management Advisory Report for the Period Ended June 30, 2013. *(Copies of the CAFR, Single Audit Report, and Management Advisory Report on file in the County Clerk's Office.) (Received for the Record.)*

C 2014-10 Communication (01/06/2014) from Council Chair Furfaro, transmitting for Council consideration, proposed amendments to Ordinance No. B-2013-753, as amended, relating to the Fiscal Year 2013-2014 Operating Budget, by Revising the Amounts Estimated in the General Fund. *(Office of Economic Development, Administration – Other Services, Kaua'i Historical Society Grant – \$25,000) (Received for the Record.)*

C 2014-11 Communication (12/27/2013) from the Director of Finance, transmitting for Council information, the Period 1 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of July 31, 2013, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014. *(Copies of the Period 1 Financial Reports as of July 31, 2013 on file in the County Clerk's Office.) (Received for the Record.)*

C 2014-12 Communication (12/27/2013) from the Director of Finance, transmitting for Council information, the Period 2 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of August 31, 2013, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2013-2014. *(Copies of the Period 2 Financial Reports as of August 31, 2013 on file in the County Clerk's Office.) (Received for the Record.)*

C 2014-13 Communication (12/27/2013) from the Director of Finance, transmitting for Council information, the Period 3 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of September 30, 2013, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kauaʻi for Fiscal Year 2013-2014. *(Copies of the Period 3 Financial Reports as of September 30, 2013 on file in the County Clerk's Office.) (Received for the Record.)*

COMMUNICATIONS:

C 2014-14 Communication (12/06/2013) from the Civil Defense Manager, requesting Council approval to receive and expend grant funds in the amount of \$475,000 from the United States Department of Homeland Security via the State of Hawaiʻi, Department of Defense, for the Fiscal Year 2013 State Homeland Security Grant Program for the following:

- 1) Continue to enhance the capability of State and local units of government to prevent, deter, respond to, and recover from threats and incidents of terrorism involving the use of chemical, biological, radiological, nuclear and explosive weapons, and cyber attacks, in addition to day-to-day all-hazards scenarios;
- 2) Continue to provide support to Citizen Corps Councils with planning, outreach, and management of Citizen Corps programs and activities, such as Community Emergency Response Teams and Neighborhood Watch.

(Referred to the January 22, 2014 Environmental Services / Public Safety / Community Assistance Committee Meeting.)

C 2014-15 Communication (12/09/2013) from the Director of Economic Development, requesting Council approval to receive and expend matching funds in the amount of \$30,000 from the Hawaiʻi Tourism Authority's Kukulu Ola Living Hawaiian Culture Program, and the Hawaiʻi Community Foundation, for the 2014 Kauaʻi Nui Kuapapa Project, to include ahupuaʻa signage around Kauaʻi, and a website with complimentary information. *(Approved.)*

C 2014-16 Communication (12/10/2013) from the Housing Director, requesting Council approval for the following:

- 1) Fee simple acquisition from the owners of the residential unit situated at 3920 Haoa Street, #312, Līhu'e, for not more than \$186,850;
- 2) Fee simple resale of the residential unit situated at 3920 Haoa Street, #312, Līhu'e, for not more than \$186,850, to a participant of the Affordable Housing Program Waitlist whose household income does not exceed 80% of the Kaua'i Median Household Income (KMHI);
- 3) Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions. ***(Approved.)***

C 2014-17 Communication (12/06/2013) from the Director of Finance, transmitting for Council information, the First Quarter Estimate of Revenues and Expenditures (Periods 1-3) for the Fiscal Year 2013-2014. ***(Received for the Record.)***

C 2014-18 Communication (12/11/2013) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of November 1, 2013. ***(Received for the Record.)***

C 2014-19 Communication (12/19/2013) from the Director of Finance, transmitting for Council information, the Schedule of Fund Balances for the Fiscal Year Ended June 30, 2013, pursuant to Section 19.14 of the Kaua'i County Charter. ***(Received for the Record.)***

C 2014-20 Communication (12/27/2013) from the Director of Finance, transmitting for Council information, the Period 4 Financial Report – Detailed Budget Report, Statement of Revenues (Estimated and Actual), Statement of Expenditures and Encumbrances, and Revenue Report as of October 31, 2013, pursuant to Section 21 of Ordinance No. B-2013-753, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2013-2014. ***(Copies of the Period 4 Financial Reports as of October 31, 2013 on file in the County Clerk's Office.) (Received for the Record.)***

C 2014-21 Communication (12/17/2013) from Council Chair Furfaro, requesting the presence of the County Engineer to provide an update on the County of Kaua'i's Residential Refuse Collection Assessment Process, which appeared as Finding 13-03, of the Management Advisory Report for the Fiscal Year Ended June 30, 2013. This update should include, but not be limited to, corrective action to address this finding, enforcement mechanisms for unpaid Residential Refuse Collection Assessments, the process for managing the accounts receivables tied to this fee, any associated penalties, and the personnel needs necessary to administer this fee collection process. ***(Received for the Record.)***

C 2014-22 Communication (12/31/2013) from Councilmember Yukimura, requesting Council reconsideration of Resolution No. 2013-72, Draft 2, relating to Implementing an Environmental and Public Health Impacts Study (EPHIS), Via Formation of a Pesticide and Genetic Engineering Joint Fact Finding Group (JFFG). ***(Received for the Record.)***

C 2014-23 Communication (01/03/2014) from Council Chair Furfaro, transmitting for Council approval the nomination of Councilmember Mel Rapozo to fill the National Association of Counties (NACo) Board of Director vacancy for the remaining term ending July 14, 2014, pursuant to Section 5A of the Hawai'i State Association of Counties (HSAC) Bylaws. **(Approved.)**

COMMITTEE REPORTS: APPROVED.

RESOLUTION FOR RECONSIDERATION:

Resolution No. 2013-72, Draft 2 – RESOLUTION TO IMPLEMENT AN ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS STUDY (EPHIS), VIA FORMATION OF A PESTICIDE AND GENETIC ENGINEERING JOINT FACT FINDING GROUP (JFFG) ***(Reconsideration Approved; Deferred to the January 22, 2014 Special Council Meeting at 3:00 p.m.)***

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2520) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES ***(Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)***

Proposed Draft Bill (No. 2521) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE HOUSING & COMMUNITY DEVELOPMENT REVOLVING FUND ***(Housing Agency Grant Funded Bargaining Unit 13 Increases – \$20,891) (Approved as Amended on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)***

Proposed Draft Bill (No. 2522) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND ***(Fire Department Bargaining Unit 11 Increases – \$617,529) (Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)***

Proposed Draft Bill (No. 2523) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Police Department Other Post Employment Benefits (OPEB) Replenishment Due to Bargaining Unit 12 Increases – \$987,606*) (**Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2524) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Committed Reserve Fund Replenishment Due to Bargaining Unit 12 Increases – \$561,864*) (**Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2525) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Committed Reserve Fund Replenishment Due to Bargaining Unit 13 Increases – \$197,072*) (**Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2526) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*General Fund Other Post Employment Benefits (OPEB) Replenishment Due to Bargaining Unit 13 Increases – \$ 295,422*) (**Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2527) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Department of Parks and Recreation, Parks Maintenance Septic System Pumping – \$200,000*) (**Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.**)

Proposed Draft Bill (No. 2528) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND. *(Office of Economic Development, Administration – Other Services, Kaua'i Historical Society Grant – \$25,000) (Approved on 1st reading, Public Hearing scheduled for 02/12/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

BILLS FOR SECOND READING:

Bill No. 2497, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, BY ADDING A NEW ARTICLE TO CHAPTER 4, RELATING TO THE REGISTRATION AND REGULATION OF LOBBYISTS *(See also CR-COW 2014-01; the Committee of the Whole recommended approval as amended to Bill No. 2497, Draft 1 on January 8, 2014.) (Referred to the January 22, 2014 Committee of the Whole Meeting.)*

Bill No. 2512 – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2013-753, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND *(Office of the County Attorney, Special Counsel - \$95,053) (See also CR-FED 2014-01; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.) (Approved.)*

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: Council

Via E-mail: KCT Department Heads
KCT CCs
Council Services Staff